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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, JULY 11, 2005
1:00 P.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Rosario Marin

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. Mark de Bie, Manager, Permitting and Inspection Branch

Mr. Tadese Gebre-Hawariat

Mr. Willy Jenkins

Ms. Christine Karl

Ms. Virginia Rosales

Mr. Jon Whitehill

ALSO PRESENT

Mr. Evan Edgar, Edgar & Associates

Mr. Don Gamblin

Mr. Jim Grecko

Mr. Phil Hedecek, Madera LEA

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Laurie Holk, Riverside LEA

Mr. Mike Huerta, Butte County LEA

Mr. David Jones

Ms. Jill Nishi, Madera LEA

Ms. Pam Raptis, San Diego LEA

Mr. Ricardo Serrano, Solano LEA

Mr. Rick Stokes

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everyone.

3 Welcome to the July 11th meeting of the Permitting and
4 Enforcement Committee.

5 We do have agendas on the back table. And if
6 anyone would like to speak on an item, please complete a
7 speaker's form and bring it up to Donnell here in the
8 front. And then you will have an opportunity to address
9 the Committee.

10 I would also ask if you could turn off your cell
11 phones and pagers or put them in the silent mode.

12 And, Donnell, would you please call the roll.

13 COMMITTEE SECRETARY DUCLO: Members Marin?
14 Washington?

15 COMMITTEE MEMBER WASHINGTON: Here.

16 COMMITTEE SECRETARY DUCLO: Mulé?

17 CHAIRPERSON MULÉ: Here.

18 And members, are there any ex partes?

19 COMMITTEE MEMBER WASHINGTON: I'm up to date.

20 CHAIRPERSON MULÉ: And I am up to date.

21 I do want to note there is one change in the
22 agenda. Item D, Board Agenda Item 3 has been pulled and
23 will be on the August agenda.

24 With that, Mr. Levenson, do you have your Deputy
25 Director's report?

1 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
2 Chair. And good afternoon Member Washington and Chairman
3 Mulé. I'm Howard Levenson with the Permitting and
4 Enforcement Division. I have a very short Deputy
5 Director's report for you this afternoon.

6 First of all, I wanted to just let you know about
7 some follow-ups to our fire workshop that we had in late
8 March. We had a very successful workshop in late March
9 with the State Fire Marshal on the topic of fires in piles
10 of stored materials. We had about 50 people at the
11 workshop and another 50 on the webcast for that event.

12 Last week we met with the fire marshal to plan
13 next steps based on the priorities that had been
14 established by the workshop attendees. For starters we'll
15 be holding three, or perhaps more, but at least three to
16 begin with what we call regional coordination meetings
17 between LEAs and local fire marshals. Those will be in
18 November after the fire season is over, probably -- we'll
19 have one in northern, one in central and one in southern
20 California. That will be intended so that LEAs and local
21 fire officials can get to know each other, exchange case
22 study information and discuss prevention measures.

23 After that we'll be re-meeting -- or meeting
24 again with the State Fire Marshal to discuss his plans.
25 He may convene an advisory group to begin work on fire

1 plan requirements, either as a model ordinance that would
2 be incorporated into state building standards or as new
3 regulations in Title 19, which is where the fire marshal's
4 regulations are placed.

5 So some good progress in that area. And we'll
6 keep you apprised of the -- when we get specific dates for
7 those meetings.

8 CHAIRPERSON MULÉ: Good.

9 DEPUTY DIRECTOR LEVENSON: The only other thing I
10 want to mention is a couple of upcoming activities.

11 In keeping with our goal of trying to bring
12 policy issues before the public and the Board in an open
13 forum, I want to let you know about the following three
14 activities:

15 On October 4th -- October -- August 4th -- excuse
16 me -- we'll be having a working group meeting on the issue
17 of post-30-year financial assurance mechanisms at
18 landfills. This is really more of a working session than
19 an open workshop. Of course anybody is welcome. But we
20 plan to bring results and seek direction to the Committee
21 and Board later this year on that particular issue.

22 At the September 12th Permitting and
23 Enforcement --

24 COMMITTEE MEMBER WASHINGTON: I'm sorry.

25 On that particular issue, I hope that the issue

1 of insurance becomes a part of the discussions. As you
2 know, BKK and those issues are being -- I hope that we
3 institute and try to get folks to understand that those
4 type of things happen because you do get to the 30-year
5 point. And if you can't pay those policies off, you're in
6 trouble. So I would hope that those are part of the
7 discussions as you prepare them. And I would love to be a
8 part of that discussion.

9 DEPUTY DIRECTOR LEVENSON: Okay. Well, we'll get
10 you that specific information. But that's an excellent
11 point. And we have the issue of what happens after 30
12 years of post-closure maintenance and what kinds of
13 financial assurance mechanisms might be required. We also
14 have the insurance mechanism itself and what lessons have
15 we learned from the BKK situation. And we'll be probably
16 bringing a couple different items to you over time on
17 those issues.

18 COMMITTEE MEMBER WASHINGTON: Good. Thank you.

19 DEPUTY DIRECTOR LEVENSON: So thank you for that
20 input.

21 On September 12th at the Permitting and
22 Enforcement Committee meeting we will have an afternoon
23 workshop on the LEA operator training issue. That will be
24 kind of a roundtable discussion under the Committee's
25 auspices to further explore that issue. And subsequent to

1 that, at another Committee meeting, we'll come back with
2 specific recommendations.

3 And then lastly: Probably in December, but give
4 or take a month -- don't pin me down -- we will have a
5 similar policy workshop on enforcement-related issues,
6 looking at -- again, with different stakeholders, and
7 looking at a variety of policy issues related to
8 enforcement and seeking your direction on which ones to do
9 more work on and which ones to just table for now.

10 So a lot of stuff coming up in the next few
11 months.

12 CHAIRPERSON MULÉ: Good.

13 DEPUTY DIRECTOR LEVENSON: Unless you have any
14 other questions, that's all I have today for the Deputy
15 Director's report.

16 CHAIRPERSON MULÉ: Great. Thank you, Howard.
17 And it's a good report.

18 I guess we can continue with Item B.

19 DEPUTY DIRECTOR LEVENSON: Okay. Item B is Board
20 Item 1. And this is consideration of a revised Full Solid
21 Waste Facilities Permit (Transfer Processing Station) for
22 the Ramona Materials Recovery Facility and Transfer
23 Station in San Diego County.

24 And Gebre-Hawariat will make that presentation.

25 MR. GEBRE-HAWARIAT: Good afternoon.

1 Before I start, the operator, Ms. Victoria
2 Tobias -- and I believe she called your offices -- she
3 apologizes --

4 CHAIRPERSON MULÉ: She called.

5 MR. GEBRE-HAWARIAT: Yeah. She couldn't be here.
6 She was on her way, but she was diverted.

7 The proposed revised permit is to allow the
8 following:

9 Increase the permitted traffic volume of the
10 facility from 197 to 220 vehicles per day; increase the
11 permitted maximum tonnage from 370 to 700 tons per day;
12 and revise the report station information that describes
13 the design and operation of the facility.

14 With regards to the compliance history of the
15 facility, the database indicates that the LEA cited the
16 operator with five permit violations from 2002 through
17 2004.

18 In 2002, the LEA cited the operator for exceeding
19 the permitted maximum daily tonnage of 370 tons per day by
20 16 tons.

21 In 2003, the LEA cited the operator for accepting
22 solid waste fire debris from the 2003 San Diego County
23 firestorm in excess of the permitted daily maximum, but
24 before the emergency waiver was granted to allow the
25 higher tonnage.

1 In 2004, the LEA cited the operator was three
2 permit violations for a situation where the operator was
3 accepting loads of green waste materials outside of the
4 tipping building. Each time subsequent LEA special
5 reports indicated that the violations were corrected.

6 On June 10th, 2005, Board staff and the LEA
7 conducted a joint pre-permit inspection. And we cited the
8 operator with a permit violation for receiving solid waste
9 and traffic volume in excess of the permitted daily
10 maximums of 370 and 197 vehicles per day. At the time the
11 site manager stated that the permit tonnage and traffic
12 volumes were exceeded because there was a disruption in
13 the Murphy's flow due to the Memorial Day holiday.

14 And I believe since then the operator has
15 submitted to the LEA a proposed measure that would prevent
16 excreted on days of operations following a major -- a
17 national holiday. And I believe the LEA is ready to
18 discuss that.

19 Now, as we have indicated in the table on page
20 1-3 of the agenda item, all of the requirements for the
21 proposed revised permit have been met. Therefore, staff
22 recommends that the Board adopt Resolution No. 2005-181
23 concurring the issuance of Solid Waste Facilities Permit
24 No 37-AA-0925.

25 This concludes staff presentation.

1 CHAIRPERSON MULÉ: Are there any questions of
2 staff on this?

3 COMMITTEE MEMBER MARIN: I just have one
4 question. And you might have -- I'm sorry.

5 CHAIRPERSON MULÉ: And please let the record
6 reflect that Chair Marin has joined us.

7 COMMITTEE MEMBER MARIN: Thank you.

8 I just want to know -- and you might have
9 addressed this. But the permit is for a specific amount.
10 And actually there was a situation where the facility
11 received about 269 tons versus -- vehicles, I'm sorry --
12 200 and -- okay, I got it, let me see -- 268 vehicles
13 versus 220. And I don't know whether you're the person to
14 address that or the facility itself. But what is it going
15 to be? Are we going to give them a permit for something
16 that is not going to be enough?

17 MR. GEBRE-HAWARIAT: The permit is going to
18 specify a 220-vehicle limit per day. One finding that we
19 made during the pre-permit inspection, I indicated
20 earlier, was that the operator -- the site manager
21 explained to us that there was a disruption in the flow of
22 waste and the traffic as well that comes from that. And
23 they have submitted a measure that would prevent that from
24 now on.

25 And I believe Ms. Tobias and the vice president

1 and general manager explained to me over the phone -- and
2 the LEA can vouch -- but just right after the holiday, the
3 July 4th, the measure proved to be effective because they
4 didn't exceed their limits. And that's what's in place.

5 DEPUTY DIRECTOR LEVENSON: And if I can just add
6 one thing to that, to what Tad said. Staff is -- I'm in
7 receipt of a letter -- a copy of a letter from Ms. Tobias
8 and to Mrs. Gratis of the LEA -- and Pam can speak to that
9 as well. But it does indicate that the operator has made
10 some operational changes and describes how they'll avoid
11 the situation following holidays in the future. So that's
12 a letter that came in this morning to Board member
13 offices. I don't believe Tad has had a chance to even see
14 that.

15 COMMITTEE MEMBER MARIN: Yeah, I had just read
16 it.

17 Well, my concern is that we don't negate the
18 validity of a permit because we don't hit a time that is
19 not going to be sufficient if this is going to be
20 sufficient, then I have no problems with it. But if it's
21 not going to incur any more CEQA or any more requirements,
22 then I'm fine with it.

23 CHAIRPERSON MULÉ: Okay. And if I could just
24 have the LEA come up and further explain the measures that
25 the operator's taken to address the situation.

1 Thank you.

2 MS. RAPTIS: I'm Pamela Raptis with the County of
3 San Diego Local Enforcement Agency.

4 In discussions with Victoria Tobias and with the
5 EdCo Corporation, who is the ultimate owner of the Ramona
6 MRF and transfer station, a couple things had started to
7 occur in the last several months.

8 EdCo has been issuing out coupons to homeowners
9 for four times a year to be able to come and dispose of an
10 entire vehicle-full free. Well, during the holidays, a
11 three-day weekend, people do a lot of work around their
12 homes. And all of a sudden we had many more homeowners
13 coming to dump on a Saturday than we would normally have.

14 Those coupons have now been modified that they
15 can be used on any Saturday or Sunday except that
16 following a three-day weekend. And that we believe will
17 help eliminate a lot of the problem that has occurred.

18 As far as the traffic of 220, that is based upon
19 several different traffic studies that were conducted for
20 this project. This project has taken us two years to get
21 to this point. Our Department of Planning and Land Use
22 required four different mediations of that traffic study.
23 Every time it came in something else was brought forward
24 by our Planning and Land Use.

25 At this point with the traffic flows in that area

1 and the growth, we believe that 220 will be adequate for
2 the 700 tons a day. The facility is pretty well max'd at
3 700 tons a day with its current configuration. So we
4 don't anticipate coming forward with any other permit
5 revisions without actually doing some physical changes to
6 the facility.

7 CHAIRPERSON MULÉ: Thank you, Pam. I appreciate
8 that.

9 Are there any other questions?

10 With that, do I have a motion?

11 COMMITTEE MEMBER WASHINGTON: I'd move adoption
12 of Resolution 2005-181.

13 COMMITTEE MEMBER MARIN: Second.

14 CHAIRPERSON MULÉ: I have a motion by Board
15 Member Washington and a second by Chair Marin.

16 And with that, would you call the roll.

17 COMMITTEE SECRETARY DUCLO: Absolutely.

18 Members Marin?

19 COMMITTEE MEMBER MARIN: Aye.

20 COMMITTEE SECRETARY DUCLO: Washington?

21 COMMITTEE MEMBER WASHINGTON: Aye.

22 COMMITTEE SECRETARY DUCLO: Mulé?

23 CHAIRPERSON MULÉ: Aye.

24 And this one we can put on consent.

25 Okay. Very good. Let's go to Item 2 or Agenda

1 Item -- or Committee Item C.

2 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
3 Chair.

4 Item 2 is consideration of a new Full Solid Waste
5 Facilities Permit (Transfer Processing Station) for the
6 southern California recycling operation in Riverside
7 County.

8 And before Mr. Willy Jenkins gives a presentation
9 I do want to indicate that there are several items on
10 today's agenda, this one and Items 5 and 6, where we have
11 flagged in the agenda item areas where the LEA did not in
12 our opinion take sufficient enforcement action.

13 And I do want to note also that these are areas
14 where we internally are trying to improve our own business
15 practices, so that we flag those instances to the LEAs
16 more quickly and get action taken in an appropriate
17 manner. It's what we call our triggers process. And it
18 is something that we are working on to institutionalize so
19 that staff knows, you know, when you get past a certain
20 threshold it's time to let the LEA know that a more
21 appropriate or an appropriate enforcement action needs to
22 be taken. And we'll be continuing to work on that, and
23 hopefully these kinds of instances will be disappearing in
24 the future.

25 CHAIRPERSON MULÉ: Good. Thank you, Howard.

1 Go ahead, Willy.

2 MR. JENKINS: Good afternoon, Madam Chair and
3 Committee members.

4 Agenda Item 2 is for a consideration of a new
5 Full Solid Waste Facilities Permit for Southern California
6 Recycling, a transfer processing station in the County of
7 Riverside.

8 The proposed permit will allow the following:
9 One thousand tons per day, not to exceed 166,720 tons per
10 year of green material and wood waste; 2,000 tons per day
11 not to exceed 150,000 tons per year of inert material; 40
12 tons per day not to exceed 10,000 tons per year of metals
13 and white goods.

14 The total vehicles per day will be 717.

15 At this time, Board staff received an update to
16 the transfer processing report on Friday and has -- and
17 Board staff has not been able to complete the review. And
18 that will be done before the Board meeting on July 19th
19 and 20th.

20 Also, the LEA has checked on state minimum
21 standards. And Board staff needs a follow-up on review of
22 the LEA's inspection. And so that will be done before the
23 Board meeting.

24 And so at this time the staff cannot make a
25 recommendation until this information is brought up to

1 date.

2 CHAIRPERSON MULÉ: So then it's -- Howard or
3 Marie for direction, then my understanding is then that we
4 would just defer this till the full Board meeting, this
5 item?

6 DEPUTY DIRECTOR LEVENSON: Yeah, that's correct,
7 Madam Chair. This is information that we've just gotten.

8 CHAIRPERSON MULÉ: Right, Friday.

9 DEPUTY DIRECTOR LEVENSON: Yeah, staff got the
10 report Friday, has had some discussions just in the last
11 hour. So we -- contrary to what we had intended to
12 present today, you know, we're in a state of a little bit
13 of flux on this item and need some time to look at it.

14 CHAIRPERSON MULÉ: May -- I don't know. Can I
15 ask the LEA to come forward.

16 MS. HOLK: Laurie Holk, Riverside County
17 Environmental Health LEA.

18 CHAIRPERSON MULÉ: Thank you, Laurie, for being
19 here.

20 Could you explain or tell us why we did not
21 receive the transfer processing report till Friday?

22 MS. HOLK: This was an additional for some extra
23 comments that Willy had asked us for. We were trying to
24 still clarify some information. Up to that point we had
25 been working on this TPR for quite a while. This is not

1 the first blush of the TPR that has been given to the
2 Board. We did a -- and then we did a reinspection on
3 Friday from the pre-permit inspection and verified that
4 all the state minimum standards had been corrected.

5 CHAIRPERSON MULÉ: Okay. So I'm just wondering.
6 I'm curious as to why all of this -- it seems like
7 everything is done at the 11th hour and --

8 MS. HOLK: This was some additional information.

9 This is a little bit different of a permit. This
10 is a hybrid facility. This is the facility that started
11 as a chipping and grinding facility for green waste only
12 and did recycling of metals. It added a C&D facility.

13 In the time that this facility has been operating
14 the LEA has done monthly inspections, has done some
15 enforcement letters on this. We have gone through some
16 areas with some attorneys. There have been an operator --
17 there's been an operator change, an addition of
18 regulations, two lawsuits, two different CEQAs being done,
19 to the time that we've gotten to the point where we were
20 able to issue a hybrid permit, which we are calling a
21 transfer station for the state. But it is -- as far as
22 the planning commission is concerned -- planning
23 department local, it's a conditional transfer station
24 because this area's not zoned for a transfer station. But
25 we had to try and pick the state permit that would allow

1 us to do an umbrella permit for what we were doing.

2 So we have been working with doing a TPR for
3 quite a long time. There had just been some issues in
4 trying to do kind of a hybrid RFI, which doesn't really
5 exist, and trying to match it into the transfer processing
6 permit.

7 CHAIRPERSON MULÉ: And so you did -- you said
8 that you took some enforcement action. Could you be
9 specific.

10 MS. HOLK: There was a code enforcement case on
11 this quite awhile go where the LEA -- when they were
12 taking in C&D prior to having that in their CUP. And we
13 worked with the attorney on that.

14 Then we went into having a CUP and a CEQA
15 document done, which consequently got a lawsuit from the
16 county.

17 There was another CEQA done, an additional CUP
18 which had another back-to-back lawsuit.

19 In the mean time, we've had an owner-operator
20 change. So the operator that is getting the permit
21 today -- the owner-operator change who's getting the
22 permit today is not the owner-operator that was -- when we
23 first started doing this.

24 In the meantime we had been doing monthly
25 inspections and there had been no really outstanding

1 public or environmental threats from this facility.

2 CHAIRPERSON MULÉ: Questions?

3 Madam Chair.

4 COMMITTEE MEMBER MARIN: Yeah. Thank you,
5 Laurie, for coming. I really appreciate that.

6 I want to know -- it seems to me that there is a
7 need for this facility, certainly C&D if we're talking
8 about developing infrastructure statewide. We need more
9 facilities that will take C&D.

10 We need to be careful in that we don't put the
11 cart before the horse. And it's really difficult, and I
12 appreciate the delicate situation that the LEA finds
13 itself in.

14 What I'm wondering is: Timeframe-wise, I'm
15 wondering whether it would be in everybody's best interest
16 if you just take a breathing and make sure that we do
17 everything the way that it should be.

18 Unless somebody tells me otherwise, I don't know
19 why we must see this at the Board meeting. Why don't we
20 cross our t's and dot our i's?

21 Is there an absolute necessity as to why this
22 permit needs to be heard by the full Board in a week?

23 DEPUTY DIRECTOR LEVENSON: Well, we have a time
24 frame that, unless the permit's withdrawn, we do have to
25 hear it. Now, the operator could choose to withdraw it.

1 But we do think we can work this out in time for the Board
2 meeting so that we get to make a short presentation, you
3 know, if it's still on the agenda.

4 COMMITTEE MEMBER MARIN: But it seems to me -- at
5 least from what I'm reading and I'm hearing, it seems to
6 me that it's being rushed, there is a lot of things. And
7 I'm wondering whether it would be in the best interests of
8 the owner to just delay it, because they can do it. It is
9 up to them to delay it, right?

10 DEPUTY DIRECTOR LEVENSON: That's correct. We
11 are unable to waive a permit once it comes to us.

12 COMMITTEE MEMBER MARIN: I'm wondering -- and do
13 we have any representation here from the owner?

14 MS. HOLK: Yes, the owner and operator is here.

15 COMMITTEE MEMBER MARIN: Okay. Who's the owner?
16 That wasn't the owner before when all of this was taking
17 place. But now gladly he's charging ahead.

18 MR. STOKES: My name's Rick Stokes. I'm not the
19 owner, but I'm the owner's representative.

20 COMMITTEE MEMBER MARIN: Thank you for being
21 here.

22 MR. STOKES: And I did check with them. And they
23 said that they would be willing to withdraw it.

24 COMMITTEE MEMBER WASHINGTON: Thank you.

25 MR. STOKES: And, you know, we want to do it

1 right. But at the same time we know we need it. And so,
2 you know, that's why we've been pushing it so hard to --
3 so that -- they're very interested in being in full
4 compliance.

5 CHAIRPERSON MULÉ: We understand. And I think
6 Chair Marin's recommendation is a good one, because, again
7 what -- I know when I read through this and discussing --
8 it just seems like there's a lot of unanswered questions.
9 And we really need to get all these issues resolved before
10 we --

11 MR. STOKES: Now, one thing that we were told is
12 that if we withdrew it, that we would be cited or fined in
13 some matter for not having it. And I'm not sure if
14 that's --

15 COMMITTEE MEMBER MARIN: Marie, is that something
16 that we would have to cite them for, or would it be the
17 local city?

18 DEPUTY DIRECTOR LEVENSON: I'd like to have
19 Laurie come up and respond to that; and also to make sure
20 that the LEA is comfortable with the operator's request
21 and approves that withdrawal of the proposed permit.

22 MS. HOLK: If we do an inspection again before
23 this facility gets a permit, we will have to violate them
24 for not having a permit. It's an ongoing violation. It's
25 a PRC violation.

1 COMMITTEE MEMBER WASHINGTON: Would you have to
2 do an inspection knowing that they at the request of the
3 Board asked that we put it off?

4 MS. HOLK: As long as Board staff is confident
5 that the state minimum standards have been situated, I
6 wouldn't have to do an inspection before the next Board
7 meeting.

8 COMMITTEE MEMBER MARIN: If I may. Let the staff
9 do a little bit of consulting, and we'll come back to this
10 item. Maybe we could just hear the other item.

11 CHAIRPERSON MULÉ: Howard, are you ready to
12 respond or do you need more time?

13 DEPUTY DIRECTOR LEVENSON: Could we have one more
14 minute for a little consultation, please?

15 CHAIRPERSON MULÉ: Sure. Go ahead.

16 COMMITTEE MEMBER WASHINGTON: Maybe we could go
17 to another item, give them a little more time.

18 CHAIRPERSON MULÉ: We will take a one-minute
19 break or two-minute break.

20 Thank you.

21 (Thereupon a recess was taken.)

22 CHAIRPERSON MULÉ: Are we ready to go back on the
23 record?

24 Okay. We're back.

25 DEPUTY DIRECTOR LEVENSON: Committee members,

1 this is really germane to the issue I raised when I
2 started this item, which is appropriate enforcement action
3 by the LEA. And we noted that in our opinion the LEA
4 should have taken earlier and appropriate enforcement
5 action. The fact that if this is withdrawn from today's
6 agenda and next week's agenda, it remains without a solid
7 waste facilities permit, it's in violation of the Public
8 Resources Code, and therefore it would be appropriate for
9 the LEA to take -- or to site a violation and continue to
10 take enforcement action.

11 CHAIRPERSON MULÉ: If they were to inspect it
12 before the next meeting.

13 DEPUTY DIRECTOR LEVENSON: Correct.

14 Yes, sir.

15 MR. STOKES: I guess we would just prefer --

16 CHAIRPERSON MULÉ: Would you state your name
17 again.

18 MR. STOKES: Rick Stokes.

19 CHAIRPERSON MULÉ: Thank you.

20 MR. STOKES: I just had further consultation, and
21 they decided to -- they would prefer to try to make next
22 week's agenda.

23 CHAIRPERSON MULÉ: Okay. So now it's back on
24 then?

25 Okay. And the LEA is in agreement with that?

1 COMMITTEE MEMBER MARIN: Okay. You guys -- let
2 me just say, Madam Chair, because it seems to me that we
3 can't be finger-pointing and the blame and "You should
4 have done this" and "You should have done that" and "We
5 should have done that." You know, we're here and we need
6 to -- we need to right it. We need to right what is
7 wrong.

8 I understand the dichotomy that we are in right
9 now. On the one hand we want to move forward, because I
10 believe operations like this one are needed, especially in
11 that area. On the other hand, if they don't have the
12 permit, then we have -- or the LEA has every right to cite
13 them and we should expect them to cite them.

14 So we cannot have our cake and eat it too.

15 What if in the process because we don't dot the
16 i's and cross the t's by rushing into it, you know, within
17 the week -- we could have a right as a board to deny the
18 permit. And then we're all worse off.

19 So there is no guarantee that if we go through
20 this process that all of the i's will be dotted and the
21 t's will be crossed.

22 DEPUTY DIRECTOR LEVENSON: That's correct. We do
23 based on just the discussions very recently think that we
24 can get through that. But you're absolutely correct. We
25 may not be there next week and we may have to recommend

1 denial, at which point we'd be in the same position we are
2 today where the operator could choose to waive the time
3 frame. And with the LEA's approval, that could happen.
4 They then would be liable to further citations while they
5 continue to work on getting the permit in shape.

6 COMMITTEE MEMBER MARIN: Can they stop taking C&D
7 material? Or have they actually ceased and desisted from
8 taking C&D material?

9 MS. HOLK: Chair Marin, this is not a C&D
10 facility. This is a hybrid facility. They take green
11 waste, metals and C&D.

12 COMMITTEE MEMBER MARIN: Okay.

13 MS. HOLK: This is not -- and they haven't ceased
14 and desisted from anything. They are -- they're
15 continuing to take all materials. So the permit is not
16 just -- this was a facility that did not require a permit
17 when it opened.

18 COMMITTEE MEMBER MARIN: But now it does.

19 MS. HOLK: But now it requires two or three
20 permits. So instead of doing multiple permits, we're
21 working on one hybrid permit, without the ability to
22 really do a hybrid RFI. So we're doing a transfer
23 processing report for a facility that is not truly a
24 transfer processing station. That's part of the dilemmas
25 in trying to match those regulations to a facility that is

1 not truly a transfer station. And it is called a modified
2 transfer station as far as the locals are concerned
3 because it's not allowed to take municipal solid waste,
4 which is what their definition of a transfer station is.

5 So, therefore, we're working on trying to fit
6 three sets of regulations into one document. We have been
7 working on this. We have been citing them for not having
8 a permit for several months. We have been working on this
9 TPR for quite a long time in trying to get this hybrid
10 facility under permit. So, no, right now a cease and
11 desist would be detrimental to, not only the operator, but
12 to the environment as well.

13 CHAIRPERSON MULÉ: Madam Chair, I was at this --
14 I did visit this facility. And they are taking in I
15 believe it's 200 tons a day of concrete. And they are
16 crushing it and they are using it in road base in the
17 community throughout the desert. And, you know, I think
18 they're trying to do the right thing. It's just that
19 because this -- it sounds to me like the nature of the
20 permit, because as you mentioned it's a hybrid permit,
21 that -- and with all the lawsuits and change in ownership,
22 it's just that one thing after another just piled on to
23 this thing, which delayed it.

24 And if you think that you can get this done in a
25 week --

1 MS. HOLK: If the operator cannot get this
2 finished in a week to our satisfaction, I would fully
3 recommend that he pull it before the Board meeting.

4 CHAIRPERSON MULÉ: Mark.

5 Thank you, Mark.

6 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

7 Mark de Bie with Permitting and Inspection.

8 Want to just give the Committee an idea of the
9 final details that we're working out to give you
10 confidence that we more than likely can work it out.

11 It's not really the issues associated with trying
12 to make, you know, a square peg in a round hole. It's
13 more generic. The numbers aren't matching up in terms of
14 capacity, cubic yardage, tonnage, that sort of thing.
15 There's numbers floating around that don't really add up
16 with the permit, with the RFI, that sort of thing.

17 So I think, you know, getting all of us on the
18 phone, in a room and sort of saying, "What numbers are
19 they? Let's make sure they all add up," is pretty much
20 what's necessary.

21 And then following, you know, the direction of
22 the Board to, you know, affirm and confirm compliance with
23 state minimum standards, we really want to have a chance
24 to go out to the site to see firsthand whether or not
25 those significant litter issues that we observed have

1 actually been cleaned up and that actions are being taken
2 to avoid it in the future.

3 So I think we can do -- I know we can do all that
4 in the next week.

5 CHAIRPERSON MULÉ: Thank you, Mark.

6 COMMITTEE MEMBER MARIN: Goes with that
7 recommendation then.

8 CHAIRPERSON MULÉ: Okay. Then this will go to
9 the full Board.

10 DEPUTY DIRECTOR LEVENSON: I would like to add
11 that the general issue related to when should a cease and
12 desist order be issued, Public Resources Code does require
13 that cease and desist orders be issued when there's a
14 facility operating without a permit. So this is one of
15 the issues that we need to have further discussion on with
16 you in terms of: Are there extenuating circumstances?
17 Do -- you know, what are the expectations of all parties
18 involved?

19 COMMITTEE MEMBER MARIN: But, see, that was my
20 point. I mean that's why I brought up the cease and
21 desist order, because they didn't even have a permit to
22 operate and they're operating. They shouldn't be
23 operating.

24 So --

25 DEPUTY DIRECTOR LEVENSON: Which is why we would

1 advise the LEA that they should have issued a cease and
2 desist order in this case, despite the negative impacts
3 that would have on the facility. And this is the dilemma
4 that we have in these situations.

5 CHAIRPERSON MULÉ: But we have not issued any
6 communication to the LEA to issue a cease and desist?

7 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

8 I'm asking Willy if in his inspection report, the
9 pre-permit inspection report if he indicated any guidance
10 to the LEA relative to their obligations to carry out
11 appropriate enforcement action. I know we have verbally
12 indicated the requirements of statute. But whether or not
13 we formalized that in writing or not...

14 Looking at the inspection report, we basically
15 just reiterated the requirements of the statute, that you
16 need a permit before you operate, but we didn't give firm
17 direction to the LEA that the -- you know, what sort of
18 actions they needed to do to bring this facility into
19 compliance.

20 COMMITTEE MEMBER MARIN: Well, it seems to me,
21 Madam Chair, that we might need to -- maybe really did not
22 know that it needed to issue a cease and desist order.
23 And maybe we should have made it very clear that that's
24 what the law requires them to do. And I wonder if any
25 other LEAs would need that clear of a direction later on

1 in -- or for other instances. But it seems to me that we
2 need to have a discussion about that. Because on the one
3 hand we have Agency and the Legislature expecting us to
4 fully enforce the law. And if the people that are
5 supposed to enforce the law, they either don't know what
6 the law says or refuse to do it, then we need to be able
7 to protect our position and our role and we need to make
8 sure that the law is enforced.

9 And there might be an opportunity for us to have
10 a very serious discussion about when does the LEA -- must
11 be made to comply with their enforcement capacities,
12 capabilities.

13 DEPUTY DIRECTOR LEVENSON: Absolutely. We agree
14 with that sentiment. I will point out that our LEA
15 enforcement advisory -- LEA Advisory 30A, which is about
16 enforcement policies, does -- which was issued years ago,
17 does speak exactly to that requirement for LEAs to issue a
18 cease and desist order in that situation.

19 But, nevertheless, I agree that we as an
20 institution have not been documenting this sufficiently
21 and putting things into writing. That's what our triggers
22 process is that I mentioned earlier. That we need to make
23 sure that that is a standard business practice and that
24 there are exact criteria for when someone pulls the
25 trigger and writes something down. And that's what we're

1 trying to work on internally.

2 CHAIRPERSON MULÉ: Right. We've got to document,
3 document, document, because if it ain't written, it didn't
4 happen. And we have no record then of what we said, what
5 we told them. And this is a good example of that. So I
6 would certainly hope that in the future we all work
7 together and do a better job of documenting the
8 regulations, what exactly the regulations are.

9 COMMITTEE MEMBER MARIN: I certainly agree with
10 that. I don't know whether we just need to bring in
11 another -- an item for the Board. And Howard and maybe
12 Legal would need to put an item before the Board.

13 DEPUTY DIRECTOR LEVENSON: This would be one of
14 the topics of the Enforcement Policy Workshop. It's, you
15 know, here's the current status, here's where we're seeing
16 problems, whether it's internal or external problems and
17 there are --

18 COMMITTEE MEMBER MARIN: Yeah. The LEA, explain
19 to me what it stands for.

20 DEPUTY DIRECTOR LEVENSON: Local Enforcement
21 Agency.

22 COMMITTEE MEMBER MARIN: What's the second word?

23 DEPUTY DIRECTOR LEVENSON: Enforcement. Gotcha.

24 COMMITTEE MEMBER MARIN: Okay.

25 COMMITTEE MEMBER WASHINGTON: And, Howard, so if

1 they don't -- if this doesn't pass at the full Board,
2 would then a cease and desist order be issued at that
3 point?

4 CHAIRPERSON MULÉ: They would direct LEA --

5 DEPUTY DIRECTOR LEVENSON: There certainly should
6 be, yes.

7 COMMITTEE MEMBER WASHINGTON: I mean you got to
8 direct the LEA --

9 Chairperson MULÉ: -- LEA to do that.

10 DEPUTY DIRECTOR LEVENSON: Yeah, we would
11 expect --

12 COMMITTEE MEMBER WASHINGTON: I hope so.

13 CHAIRPERSON MULÉ: All right. Then this item
14 will be moved to the full Board next week.

15 We are now on to Committee Item D, Board Agenda
16 Item 4.

17 DEPUTY DIRECTOR LEVENSON: Agenda Item 4,
18 consideration of a revised Full Solid Waste Facilities
19 Permit (Transfer Processing Station) for the Mammoth
20 Recycling Facility and Transfer Station In Madera County.

21 This is the first of two permits on the agenda
22 from Madera County. And the last LEA evaluation did
23 identify revision to the permits as something that the LEA
24 needed to do. And that was incorporated into the
25 resultant LEA work plan, the corrective work plan. So

1 these permits do fulfill -- if they are concurred in, they
2 do fulfill that portion of the work plan and the LEA's
3 obligations.

4 With that, Virginia Rosales is going to make this
5 presentation.

6 MS. ROSALES: Good afternoon, Madam Chair and
7 Committee members.

8 The Mammoth Recycling Facility and Transfer
9 Station is owned and operated by Madera County Department
10 of Engineering and General Services, and is operated by
11 Madera Disposal Systems, Incorporated, a wholly owned
12 subsidiary of Waste Connections, Incorporated.

13 The proposed permit will allow for the following:
14 Change the permitted hours from 8 a.m. to 4:30 p.m.,
15 Monday through Friday; 9 a.m. to 4:30 p.m., Saturday and
16 Sunday, to 6 a.m. to 8 p.m., seven days per week, for the
17 receipt of waste and recycling materials; and 8 a.m. to
18 4:30, Monday through Saturday, for the household hazardous
19 waste collection facility.

20 The tonnage will also change from 500 tons per
21 day, that is, 400 MSW and 100 separated and commingled
22 recyclables, to 500 straight across of either/or municipal
23 solid waste and/or recyclables.

24 Increase the permitted traffic volume from 155
25 tons -- I mean 155 vehicles per day to 220 vehicles per

1 day. And then the operation of a household hazardous
2 waste collection facility and certified used oil
3 collection center.

4 At the time this item was prepared Board staff
5 had not completed their review of the transfer processing
6 report. Since then, staff has determined that it does
7 meet the regulatory requirements.

8 Board staff have also conducted the pre-permit
9 inspection in conjunction with the LEA on July 6th and
10 noted that there were no violations of state minimum
11 standards or permit violations.

12 The tonnages for the transfer station and
13 landfill have been maintained jointly, thereby creating
14 some confusion as to what the actual tonnages are for each
15 of the facilities.

16 Board staff was able to review the method to
17 calculate the tonnages for each facility with the operator
18 and the LEA during the inspection. In randomly reviewing
19 peak tonnage days in April 2005 for the transfer station,
20 it was found on April 26th that the daily tonnage was
21 185.1 tons per day. This is well under the current
22 permitted tonnage and the proposed permitted tonnage.
23 Therefore, it seems likely that the previous permit
24 violations for exceeding the permitted tonnage were in
25 error due to the complex record keeping that the operator

1 had maintained.

2 The operator is currently working on a
3 record-keeping system to separate the tonnages for each
4 facility. And Board staff will follow up with the LEA to
5 ensure that their record-keeping system is adequate to
6 determine future compliance at this transfer station.

7 Finally, on page 9 it just stated that the
8 property owned by Jessie Abams-Hall was vacant land, which
9 is incorrect. Board staff learned last week that there
10 are actually two homes on Ms. Abram Hall's property.

11 Board staff have determined that all the
12 requirements for the proposed permit have been satisfied.
13 Therefore, Board staff recommends the Board adopt
14 Resolution No. 2005-185 concurring with the issuance of
15 Solid Waste Facilities Permit No 20-AA-0031.

16 The agenda item is currently being updated to
17 reflect this new information and will reflect that all the
18 requirements have been satisfied. That should be posted
19 on the Board's website within the next day or so.

20 This concludes staff's presentation.

21 The LEA, Phil Hedecek and representatives of the
22 County of Madera and Madera Disposal Systems are here
23 today to answer any questions you may have.

24 CHAIRPERSON MULÉ: Thank you, Virginia?

25 Are there any questions?

1 COMMITTEE MEMBER WASHINGTON: Just one. And it
2 might be the LEAs also.

3 There was I guess a neighbor who had some issues
4 with the hours. Was those issues ever resolved with that
5 particular neighbor? Or you just told her to come to the
6 P&E Committee?

7 MS. ROSALES: Well, there was contact. My
8 understanding is that that individual did contact the
9 director of the -- Jill Nishi spoke with her. And then
10 was directed to also contact the LEA, Phil Hedecek. And
11 Phil Hedecek did make -- attempt to make contacts, left
12 messages, but were not returned. I also attempted to make
13 contact and received a recording, left a message and never
14 received a call.

15 COMMITTEE MEMBER WASHINGTON: Oh, okay. Yeah,
16 because it would have just been interesting to know what
17 was her concern about the hours. Did she want to know --
18 but she hasn't talked to anyone enough to figure out what
19 she was --

20 MS. ROSALES: Yeah, I don't know if Phil could
21 elaborate on that at all.

22 CHAIRPERSON MULÉ: Could you please come forward.

23 Thank you.

24 MR. HEDECEK: Madam Chair, Board members. Phil
25 Hedecek, LEA for Madera County Environmental Health.

1 No direct contact other through our LE -- our
2 director was made. She made conduct when she heard about
3 our hearing and talked to our director, in which case she
4 informed her of the information about the permitted
5 facilities, both transfer station and landfill. She
6 recommended that she contact me. And she sent me an
7 e-mail. And I made contact with her through e-mail
8 saying, "We're going to have the hearing. Come to the
9 hearing if you can."

10 I'm might also add, in this we went -- in
11 notifying individuals of the hearing process, we were
12 required to only notify those individuals within 300 feet
13 of the landfill and transfer station. We decided to
14 extend that to within the half mile range. We had two
15 written comments from individuals that were received
16 within that half mile range. And we notified the
17 papers -- local papers as well. And this individual
18 actually lives within that half mile range as well. So we
19 went way beyond -- or beyond our requirements to notify
20 those individuals.

21 COMMITTEE MEMBER WASHINGTON: And I appreciate
22 that. Thank you.

23 MR. HEDECEK: And we never have received a call
24 back from this lady at this point.

25 CHAIRPERSON MULÉ: Thank you.

1 COMMITTEE MEMBER MARIN: I have a question.

2 MR. HEDECEK: Sure.

3 COMMITTEE MEMBER MARIN: I can appreciate the
4 6 -- I guess the facility was permitted from 8 a.m. And
5 now this change will be from 6 a.m. So I can appreciate
6 somebody as saying, "Man, if those trucks start coming I'm
7 going to wake up earlier," right? That's -- I mean
8 that's -- and then also it goes all the way to 8 o'clock
9 p.m.?

10 MR. Hedecek: Yes.

11 COMMITTEE MEMBER MARIN: I looked at the tonnage.
12 The tonnage is not changing.

13 MR. HEDECEK: That is correct.

14 COMMITTEE MEMBER MARIN: So why is it that they
15 need that many more hours? Because it's a pretty
16 significant amount of hours.

17 MR. HEDECEK: Currently they only have one
18 sorting -- actually have two sorting lines. And in order
19 to increase their diversion rate and recycling material
20 coming out of that waste stream, they need to at least --
21 as opposed to building a larger building and putting in
22 more -- a conveyor belt system is to increase the hours in
23 that, to double the hours and increase the shifts to do
24 that, to do more sorting, to get more recyclables out of
25 that. So that was the main reason for that aspect of it,

1 is to pull more recyclables out of the waste stream.

2 COMMITTEE MEMBER MARIN: How the change in hours
3 would do that, because -- explain it to me. I visited
4 many facilities, and they put all of the stuff in one
5 place. And the conveyors, whether it's one or two or
6 three, if the stuff comes in, whether it is 1 hour or
7 within the 12 hours, the conveyors are going to take their
8 time in doing that. I don't understand how extending that
9 is going to -- I don't understand. Explain it to me.

10 MR. HEDECEK: Okay. And, in fact, they add
11 another shift on that. So now instead of one shift of
12 individuals working through that -- because the conveyor
13 belt system can only work at a certain speed and you can
14 only have so many workers on the conveyor belt system --
15 if you increase that to two shifts you can have more
16 people working on those conveyor systems that pull more
17 recyclables now. You're not increasing the tonnage that
18 much, but you have two shifts in effect to remove the same
19 amount of refuse and separate the recyclables from the
20 refuse.

21 COMMITTEE MEMBER MARIN: Well, let me ask you
22 this: The hours of operation, does that automatically
23 mean the receipt of material? It seems to me that a
24 facility can operate without necessarily taking in for
25 that entire amount of time.

1 Do you know what I'm talking about?

2 MR. HEDECEK: Yeah, uh-huh. I know what you
3 mean. It's for receipt of the materials as well. So
4 theoretically they're not anticipating -- this is a closed
5 landfill. They don't allow any waste from outside the
6 county. So all the waste generated within the county goes
7 to this single landfill. We have one landfill, and this
8 is it, and one transfer station. So everything that we
9 generate goes through this. And so the incremental
10 increase would occur over time with a population increase.
11 So we're not anticipating a large increase immediately in
12 the MRF itself. So this is in anticipation to actually,
13 well, pull more --

14 COMMITTEE MEMBER MARIN: But the tonnage will be
15 the same. See, I mean I know of places that are operating
16 them more hours, but they're not taking in for all the
17 time that they're operating.

18 And I'm wondering whether there's a fine
19 compromise. And I know there is one person yelling and
20 screaming. But I can appreciate -- maybe we need to
21 reduce the amount of receipt versus the hours of
22 operation. And I -- I'm trying to be --

23 MR. HEDECEK: And I understand. And I want to
24 also make note that the individual lives a half a mile --
25 or actually the homes that are within this radius are a

1 half mile away. The actual individual that -- Ms. Abrams
2 Hall made the comments. Her actual address of residence
3 is in Elk Grove. So they -- she has two residences on
4 this piece of property. We haven't received any
5 complaints whatsoever from anybody around the landfill
6 regarding the hours. We've received some concerns in the
7 hearing process, and we handled those effectively during
8 the hearing process on that aspect of things. We haven't
9 received any complaints from the actual two homes that are
10 on her property from this.

11 The transfer station is on the west side of the
12 landfill. So the landfill is property. And the landfill
13 rises up. It's going to be permitted hopefully to 330
14 feet. And the home are actually on the other side of
15 that. So a considerable -- about a half a mile away.

16 But I understand your concerns. Anybody around a
17 landfill is concerned about the operating hours and the
18 additional noise that it could generate from that.

19 It also is occurring inside a transfer building.
20 So trucks are dumping at the tipping floor and moving in.
21 And the conveyor system is working inside the actual
22 building. So a certain amount of noise and odor is
23 controlled from that perspective as well. But I can
24 understand your concern.

25 This is the operator's supervisor. I don't know

1 if -- he can obviously add to that if you'd like.

2 CHAIRPERSON MULÉ: Good afternoon. Would you
3 state your name for the record please.

4 MR. JONES: Hi. Good morning. My name is David
5 Jones and I'm with Madera Disposal.

6 I wanted to touch on your question in regards to
7 the tonnage and why you're not seeing any increase in
8 tonnage but yet you're seeing an increase in hours. And I
9 think Bill pretty much hit it right on the head when he
10 trying to get to the diversion aspect of it.

11 In order for us to divert more of the material,
12 we have to bring more material into the MRF. Right now
13 we're only bringing X amount of material into the MRF on a
14 daily basis. By increasing the hours we'll be able to
15 increase our overall sorting of the material. And by
16 doing that we'll have to increase the hours of the
17 operation in order to have the MRF and the operators be
18 able to work there and be able to divert more of that
19 material.

20 In turn, that could mean that some of the trucks
21 that are currently dumping in later on and afternoon over
22 at the landfill will now be dumping their material over at
23 the MRF. These trucks are the trucks that carry more of
24 the recycling-rich loads. And that's our overall goal is
25 to try to accomplish getting those trucks from the MRF as

1 opposed to taking them directly to the landfill.

2 COMMITTEE MEMBER MARIN: And I certainly would
3 want you to do that. But the question is, you are going
4 from 8 a.m. to 4:30 and 9 a.m. to 4:30 on Saturdays and
5 Sundays to 6 a.m. to 8 p.m., seven days a week. That's a
6 very significant amount of increase, where the permitted
7 amount of tonnage that you take in doesn't change at all.
8 And so I'm wondering whether you can just cut maybe an
9 hour -- say it's from 7 to 7, an hour each way, so that --

10 MR. JONES: By design.

11 COMMITTEE MEMBER MARIN: And you would still be
12 able to take your 500 tons a day and you won't disturb as
13 much the people around you.

14 MR. JONES: I think some of it also has to do
15 with the design concept of the facility. The design
16 concept that is currently in place is a pretty old
17 facility. And right now we're processing at almost a
18 maximum rate that we can process based on the design
19 concept for the facility. Without actually restructuring
20 or redesigning the facility, we were just trying to
21 establish a set of hours that would be acceptable for like
22 a two-shift operation and be able to process materials
23 without actually going through the whole design process
24 for the facility. I think that's where the biggest factor
25 comes in when it comes to the time --

1 COMMITTEE MEMBER MARIN: So you're not adding
2 another line. You're just adding more workers.

3 MR. JONES: Exactly.

4 COMMITTEE MEMBER MARIN: So it's a two-hour -- a
5 two shift versus -- well, okay, I understand that. I just
6 am trying to be -- what do you call it?

7 MR. JONES: Diplomatic?

8 COMMITTEE MEMBER MARIN: No. I try to address
9 the concerns of the people that are living right next to
10 you or almost -- you know, six months.

11 But I don't know, Madam Chair. I can appreciate
12 the work and -- they tell me you're going to increase your
13 recycling. How much are you going to increase it by?

14 MR. JONES: Percentages.

15 (Laughter.)

16 COMMITTEE MEMBER MARIN: One percent.

17 MR. JONES: I have no direct answer for you.

18 CHAIRPERSON MULÉ: Dave, let me just ask you a
19 question. I mean your hours now -- or proposed hours are
20 6 a.m. to 8 p.m., seven days a week. I mean realistically
21 do you expect to see trucks coming in at 6 a.m. and trucks
22 coming in at 8 p.m.? That's -- I think that's the
23 question that's on our minds, is, you know, do you really
24 see -- or do you see it more of that you're going to be
25 operating but you're not going to be receiving at those

1 hours?

2 MR. JONES: I can see us accepting trucks at 6
3 a.m. because we do start our operations at 5:30. As far
4 as the overall goal of it, I think it's the whole
5 operation of it that we're looking at in the evening time.
6 But in the mornings I can see us accepting trucks. In the
7 evening or afternoons, not likely.

8 CHAIRPERSON MULÉ: Okay. Thank you.

9 Are there any other questions?

10 We have another speaker.

11 Mr. Edgar, go right ahead.

12 MR. EDGAR: Thank you.

13 Evan Edgar. I'm the permit engineer for Waste
14 Connections in this --

15 COMMITTEE MEMBER MARIN: Oh, it's all your fault.
16 Now we know.

17 MR. EDGAR: I've been on this facility since 1993
18 representing the diversion and the permitting of both the
19 Mammoth MRF and the Fairmead landfill. I've been on the
20 AB 939 compliance aspects as well working with Jim Grecko.
21 So one of the ways in order to expand the diversion from
22 15 percent to 33 percent for this facility was to extend
23 the operating hours and with an internal shell. Madera
24 County doesn't have quite the money to double the
25 facility's size, so we optimized our existing shell and

1 doubled the shifts. So that's one way to move up the AB
2 939 compliance ladder.

3 On a CEQA aspect we did reach out with an
4 environmental impact report early on. We took extended
5 time. And we did look under noise and transportation as
6 part of CEQA in the EIR to address the hours of operation,
7 the noise and traffic.

8 So we're pretty confident that from the
9 environmental impacts and the mitigation, we're within
10 close facility, we'll be able to manage an additional
11 processing within the newly proposed hours.

12 Thank you.

13 CHAIRPERSON MULÉ: Thank you.

14 Are there any other questions, comments?

15 Do I have a motion?

16 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd
17 like to move adoption of Resolution 2005-185.

18 CHAIRPERSON MULÉ: I have a motion.

19 Do I have a second?

20 COMMITTEE MEMBER MARIN: I'll vote. But you won.

21 CHAIRPERSON MULÉ: Well, I'll second it then.

22 We have a motion, Board Member Washington;
23 seconded by Chair Mulé.

24 Please call the roll.

25 COMMITTEE SECRETARY DUCLO: Members Marin?

1 COMMITTEE MEMBER MARIN: Aye.

2 COMMITTEE SECRETARY DUCLO: Washington?

3 COMMITTEE MEMBER WASHINGTON: Aye.

4 COMMITTEE SECRETARY DUCLO: Mulé?

5 CHAIRPERSON MULÉ: Aye.

6 And this item can go on consent.

7 Thank you all very much.

8 Okay. Our next item is Committee Item F, Board

9 Agenda Item 5.

10 Howard.

11 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

12 Chair. This is consideration of a revised Full Solid

13 Waste Facilities Permit (Disposal Facility) for the

14 Fairmead Landfill, also in Madera County.

15 And Virginia will make that presentation as well.

16 MS. ROSALES: The Fairmead landfill is owned and

17 operated by the Madera County Engineering and General

18 Services Department, operated by Madera Disposal, a wholly

19 subsidiary of Waste Conduction. And these two facilities

20 are on one parcel, so they sit adjacent to each other.

21 The landfill is comprised of three waste

22 management units. Waste Management Unit 1 is a closed

23 unit that ceased accepting waste in 1995. Waste

24 Management Unit 2 is lined in the current active disposal

25 area. Waste Management 3 is a planned fill area that will

1 be lined in the future.

2 The proposed permit will allow for the following:

3 Expand the total permitted area from 116.2 acres to 121.17
4 acres; increase the tonnage from 395 tons per day to 1,100
5 tons per day; increase the elevation from 310 feet mean
6 sea level to 330 feet mean sea level; increase the total
7 remaining refuse capacity from approximately 3.2 million
8 cubic yards to 9.4 million cubic yards; increase the
9 permitted traffic volume from 30 vehicles per day to 440
10 vehicles per day; change the estimated closure year from
11 2013 to 2038; and then finally add a construction and
12 demolition processing facility and a green waste chipping
13 and grinding operation.

14 Again, there are some updates to this agenda
15 item. At the time the item was prepared staff had not
16 completed their review of the joint technical document.
17 Board staff have now determined that the JTD meets the
18 requirements.

19 Board staff in conjunction with the LEA conducted
20 the inspection on July 6th. At that time there were no
21 state minimum standard violations. However, there was the
22 one permit violation for exceeding the permitted tonnage.
23 That violation will be corrected by the issuance of the
24 proposed permit.

25 During the inspection, Board staff along with the

1 LEA randomly reviewed May and June 2005 tonnage records.
2 On May 31st the daily tonnage was found to be 932.92 tons
3 per day. On June 17th the daily tonnage was found to be
4 833.26 tons per day. Both of these tonnages exceed the
5 current permitted tonnage of 395 tons per day.

6 As indicated in the agenda item there was some
7 confusion on the LEA's behalf that the submittal of the
8 application to revise the permit submitted in August 2004
9 corrected the violations for exceeding the permitted
10 tonnage. The LEA is now aware that that must documented
11 until the proposed permit is issued if there are
12 violations for exceeding the tonnage.

13 It seems likely that there are other violations
14 for exceeding the permitted tonnage that were not
15 documented by the LEA since the submittal of the
16 application. As I indicated, the LEA is aware that those
17 violations must be documented.

18 This item, like the previous item, has also been
19 corrected to indicate there are two homes on the property
20 of Jessie Abams-Hall.

21 Board staff have determined that the requirements
22 for the proposed permit have been satisfied. Therefore,
23 Board staff recommends the Board adopt Resolution No.
24 2005-186 concurring with the issuance of Solid Waste
25 Facilities Permit 20-AA-002.

1 And, again, this item is being updated and will
2 be posted on the website soon.

3 This concludes staff's presentation.

4 CHAIRPERSON MULÉ: Thank you.

5 Are there any questions?

6 COMMITTEE MEMBER WASHINGTON: Yes.

7 CHAIRPERSON MULÉ: Board Member Washington.

8 COMMITTEE MEMBER WASHINGTON: The landfill at
9 Fairmead services the entire county?

10 MS. ROSALES: Yes.

11 COMMITTEE MEMBER WASHINGTON: And it's been in
12 operation how long? I'm sorry, I didn't read -- I
13 didn't --

14 MS. ROSALES: Oh, gosh. I think, if I'm
15 recalling correctly, it must early fifties started this
16 burn and bury site.

17 COMMITTEE MEMBER WASHINGTON: Okay. Yeah,
18 because I'm only -- because we added 25 years of life to
19 this landfill, from 13 to 38.

20 MS. ROSALES: Yes.

21 COMMITTEE MEMBER WASHINGTON: And it will be able
22 to -- at this capacity rate it will be able to accept all
23 of that in that time frame.

24 MS. ROSALES: They have a whole area that's
25 planned -- the Waste Management Unit 3 that is planned for

1 that.

2 COMMITTEE MEMBER WASHINGTON: Oh, so planned --
3 okay.

4 MS. ROSALES: So, you, it does have that capacity
5 to go on till that time.

6 COMMITTEE MEMBER WASHINGTON: Okay.

7 CHAIRPERSON MULÉ: Madam Chair, do you have any
8 questions?

9 COMMITTEE MEMBER MARIN: No, I looked at this
10 and -- is it the same LEA?

11 MS. ROSALES: Yes.

12 COMMITTEE MEMBER MARIN: And it's the same
13 advisor?

14 MS. ROSALES: Yes.

15 COMMITTEE MEMBER MARIN: And it's the same
16 everything?

17 MS. ROSALES: Yes.

18 COMMITTEE MEMBER MARIN: Same consultant. Oh,
19 Lord.

20 Okay. No -- I'll be nice. I ought to appreciate
21 this.

22 I'll make the motion, Madam Chair.

23 CHAIRPERSON MULÉ: No questions?

24 COMMITTEE MEMBER MARIN: No questions.

25 CHAIRPERSON MULÉ: Are you sure?

1 COMMITTEE MEMBER MARIN: I'm sure.

2 CHAIRPERSON MULÉ: Actually I have a question.

3 The increase from 395 tons per day to 1100 tons
4 per day, I'm hoping -- and this is a question. Does that
5 increase -- what percentage of that increase will
6 constitute the C&D and the grinding? Because you're
7 adding those two operations to the facility. And because
8 they're -- what, you're practically -- you know,
9 you're what, increasing the daily volume by two and a half
10 times. So I'm hoping that a good portion of that will be
11 going to the C&D and the grinding operation.

12 Thank you.

13 MR. EDGAR: Evan Edgar, Edgar & Associates,
14 permit engineer for Waste Connections at Fairmead
15 landfill.

16 Correct, at 1200 tons a day, of that 100 is for
17 the proposed compost and chip & grind facility. And up to
18 200 tons a day would be for the mixed C&D.

19 Keep in mind, when we did the environmental
20 impact report it was for a 25-year growth cycle. And
21 Madera County is one of the fastest growing counties in
22 the central valley. So we did plan out 25 years with EIR
23 and we did include as part of that the diversion
24 facilities for both the C&D and composting.

25 CHAIRPERSON MULÉ: Thank you.

1 COMMITTEE MEMBER MARIN: Okay. Your motion to
2 approve Resolution 2005-186, I move that.

3 COMMITTEE MEMBER WASHINGTON: Second.

4 CHAIRPERSON MULÉ: I have a motion by Chair Marin
5 and seconded by Board Member Washington.

6 Without objection, we can substitute the previous
7 roll.

8 And we can put that on consent.

9 Thank you. Thank you, Virginia.

10 Our next item is Item G, which is Board Agenda
11 Item 6.

12 Howard.

13 DEPUTY DIRECTOR LEVENSON: Madam Chair, Item G is
14 consideration of a revised Full Solid Waste Facilities
15 permit for the Neal Road landfill in Butte County.

16 And I do want to point out that this is a
17 landfill with a long-term gas violation. The Board has
18 been addressing that issue in the form of a rule making,
19 and just last month, in June, did adopt new landfill --
20 new regulations regarding long-term gas violations at
21 landfills and with relationship to the permitting process.
22 Those regulations have not yet been approved by the Office
23 of Administrative Law, so we're still using the older
24 Board procedure until those are adopted.

25 As John will explain, this landfill does meet all

1 the criteria in that procedure. And also we looked at it
2 in terms of the proposed regulations. And it would meet
3 those as well, although they're not in play right now.

4 So, Jon.

5 MR. WHITEHILL: Yes, good afternoon.

6 Jon Whitehill with the BOARD's Permitting and
7 Inspection Branch.

8 The Neal Road landfill is an existing permitted
9 disposal site located seven miles southeast of Chico and
10 one mile east of Highway 99 in the unincorporated area of
11 Butte County.

12 The surrounding land is zoned grazing and open
13 land, and there are no structures within 1,000 feet of the
14 landfill boundary. And the nearest residence is located
15 two miles west of the facility property boundary on the
16 opposite side of Highway 99.

17 Neal Road landfill is owned and operated by the
18 Butte Bountty Public Works Department. And the current
19 average tonnage is about 500 tons per day.

20 The proposed changes associated with this permit
21 revision include a 39-acre lateral expansion of the
22 landfill disposal footprint, from 101 acres to 140 acres.
23 And this includes installation of landfill liner systems,
24 leachate monitoring and recovery systems and landfill gas
25 collection control and monitoring systems.

1 The existing unlined modules which were partially
2 closed in 2004 will receive final closure in 2006. And as
3 a result of the lateral expansion, there will also be an
4 increase in landfill capacity and a change in the
5 estimated closure date from 2018 to 2033.

6 There's also an increase in the permitted peak
7 tonnage limit, from 1200 tons per day to 1500 tons per
8 day. And this new limit includes materials that are
9 reused on-site.

10 There's an increase in the permitted peak traffic
11 volumes, from 360 to 600 vehicles per day. There's an
12 increase in the permitted facility boundary, from 165
13 acres to 189 acres. And there's an increase in the
14 maximum elevation of the landfill, from 495 feet to 500
15 feet.

16 The pre-permit inspection noted two violations.
17 One for the occasional exceedance of the terms and
18 conditions of the permit's traffic restrictions. And the
19 other one for violation of ongoing perimeter gas
20 violations.

21 Usually in the spring and summer the landfill
22 sometimes exceeds permitted traffic conditions maybe one
23 to four times per month. This is a recent occurrence
24 within the last year or so. And it only occasionally
25 happens. The LEA's May inspection report noted, for

1 instance, that the landfill exceeded the permitted traffic
2 limit on two days.

3 The proposed permit will allow a peak of up to
4 600 vehicles per day, thereby correcting the permit
5 violation. Operator has already implemented improvements
6 in the site entrance to ensure that the facility will be
7 able to safely accommodate higher traffic volumes.

8 And as Howard mentioned in his introduction, the
9 Board currently provides a procedure, soon to be a
10 regulation, that addresses long-term gas violations during
11 the permit process. The facility and the proposed permit
12 have met the recommendations of this procedure; and are
13 also consistent with the proposed regulations, including
14 the LEA issuance of a notice and order, an operator's
15 submittal and implementation of a remediation plan and
16 compliance schedule.

17 Since the landfill gas violation was discovered
18 during last year's installation of gas control and
19 collection systems, the remediation plan will initially
20 consist of the continued monitoring and fine-tuning of the
21 system, which became fully operational in December of
22 2004.

23 The LEA required the operator to also submit a
24 contingency plan, or plan B, so that they can figure out
25 another way to solve the gas problem in case this one

1 doesn't work.

2 So, in summary, Board staff have concluded that
3 all the requirements have been fulfilled, and Board staff
4 recommend that the Board adopt Resolution No. 2005-187
5 concurring with the issuance of Solid Waste Facilities
6 Permit No. 04-AA-0002.

7 Mike Huerta representing the LEA's office is
8 here, and Bill Manold representing the operator are here
9 to answer questions.

10 CHAIRPERSON MULÉ: Thank you.

11 Questions?

12 COMMITTEE MEMBER WASHINGTON: Yeah, thank you,
13 Madam Chair.

14 I just have some concerns here. And I want to
15 make sure I'm clear. In terms of the -- and you know
16 where I'm going with the long-term gas violations here.
17 You say there is a mechanism in place as we speak?

18 MR. WHITEHILL: Yeah, they already have gas
19 collection AND control systems. They have built a flare.
20 They're pumping gas out as fast as they can. And in fact
21 they were already putting in the system at the same time
22 that the violation was discovered.

23 The operator can explain this better, if you have
24 any details. But at the same time they were putting it
25 in, they were capping those closed cells. And so that may

1 have helped to force the gas out.

2 COMMITTEE MEMBER WASHINGTON: And I want to ask
3 you as a staff member for this Board: Does it makes sense
4 then to add -- we're going to add how many more tonnage,
5 from 3 -- what was it -- 360 to 600?

6 MR. WHITEHILL: Well, that's the -- yeah, 360 to
7 600 is the traffic. The tonnage is going --

8 COMMITTEE MEMBER WASHINGTON: I'm sorry, 300,
9 because it's 1200 to 1500. So we're adding 300 more
10 tonnage on top of this already violated -- why would we do
11 that and wait till they put the mechanisms in place -- you
12 understand what I'm talking about? And I probably asked
13 this question before, because to me it just makes no sense
14 for us to allow these people to put more fire -- you know,
15 more trash or more waste on top of something that's
16 already causing violations. Why wouldn't we wait till
17 they fixed these things and then say, "Come and seek and
18 revise your permit"?

19 MR. WHITEHILL: Yeah, that's a good question.
20 And in this case the violations of landfill gas are
21 occurring at the closed area. And so they won't be
22 putting very much waste at all on top of that closed area.
23 From now on they'll be working in a lined area, which will
24 help to control landfill gas even more. Most of the
25 landfill gas violations are in the unlined section that's

1 closing next year.

2 COMMITTEE MEMBER WASHINGTON: Yeah, but even with
3 that, why would we -- then with all the violations that
4 have occurred, why would we trust that this won't occur in
5 the new area, even with the lining? How do we know --
6 because we have a history of violations that have
7 occurred. I know that they didn't have those particular
8 mechanisms -- I guess I'm just concerned that -- you know,
9 it seems this Board is constantly giving these permits and
10 allowing these permits to go forward, and these folks
11 having these violations. It seems like we should be
12 fixing something here rather than saying, "Okay, you guys
13 work on that and then start a whole new project over
14 here." And I guess -- I'm just asking the questions and I
15 thought maybe, you know, that you had some answers for
16 that.

17 DEPUTY DIRECTOR LEVENSON: Mr. Washington --

18 COMMITTEE MEMBER WASHINGTON: Maybe it's just me.

19 DEPUTY DIRECTOR LEVENSON: No, I think everyone
20 has that similar concern. And that's the construct of the
21 long-term gas procedure and the newly -- at least the
22 Board-adopted regulations, which recognize that correcting
23 gas violations takes a long time and in some cases
24 millions of dollars of investment and several years.

25 So that's the points here, that the landfill is

1 under a notice and order from the LEA; it's got a
2 remediation plan, a monitoring plan; it's following the
3 steps in that and is in compliance with that to correct
4 that, is the intent of that procedure. Otherwise there'd
5 be no way that the landfill could indeed receive a new
6 permit or a revised permit. So that's been a
7 long-standing policy that's been codified now into those
8 regulations. And the protections in the regulations are
9 designed to try to address those issues that you raise.

10 COMMITTEE MEMBER WASHINGTON: Okay.

11 MR. WHITEHILL: Thank you, Howard.

12 CHAIRPERSON MULÉ: Madam Chair?

13 COMMITTEE MEMBER MARIN: I only have a question.

14 What was the -- does anybody know how many vehicles -- I
15 know I had a smaller number, 300 or something, and now
16 it's asking for double or twice as many.

17 The seven violations because they were due to
18 traffic, what kind of traffic violations were those? I
19 mean 302 or were there 570?

20 MR. WHITEHILL: Well, they're currently permitted
21 for 360 vehicles per day. And the highest that I could
22 find in their record that they'd ever taken was about 425.
23 So about 60 vehicles over. It's usually -- the operator
24 can correct me if I'm wrong. On a Saturday or a Monday --
25 there are certain peak days, and there's also peak

1 variations in the seasons as well. But it's usually a lot
2 less than that when it goes over. But that was the
3 highest --

4 COMMITTEE MEMBER MARIN: So 600 is reasonable?
5 We're not going to be seeing violations of that due to
6 traffic the moment we issue a permit?

7 MR. WHITEHILL: Well, we're hoping this permit
8 will last at least five years, yes.

9 COMMITTEE MEMBER MARIN: And not one day earlier.
10 (Laughter.)

11 COMMITTEE MEMBER MARIN: Okay. That was my
12 question.

13 Now, when we approve this, will we make specific
14 findings because of the long-term gas violations? Do we
15 need to -- oh, it's already part of the resolution.

16 DEPUTY DIRECTOR LEVENSON: Yeah, in the
17 resolution there's a phrase, "Whereas the Board staff have
18 made the four findings of the long-term gas violation
19 procedures." So that's in Resolution 2005 --

20 COMMITTEE MEMBER MARIN: That's right. So we
21 don't have to do it separately?

22 DEPUTY DIRECTOR LEVENSON: Right.

23 CHAIRPERSON MULÉ: Do I have a motion?

24 COMMITTEE MEMBER MARIN: I move approval of
25 Resolution 2005-187.

1 COMMITTEE MEMBER WASHINGTON: Second.

2 CHAIRPERSON MULÉ: I have a motion by Board Chair
3 Marin, seconded by Board Member Washington.

4 And we can substitute the previous roll.

5 And we can put that one on consent as well.

6 Thank you.

7 Okay. Our last item -- are we going to take a
8 break? We're just going to -- okay.

9 Our last item is Committee Agenda Item H, Board
10 Agenda Item 7.

11 Howard.

12 DEPUTY DIRECTOR LEVENSON: Thank you.

13 As you said, this is our last agenda item for the
14 day. It's consideration of a new Full Solid Waste
15 Facilities Permit for a Compostable Materials Handling
16 Facility for the Jepson Prairie Organics Composting
17 Facility in Solano County.

18 And Christy Karl will make this presentation.
19 And we do have -- I hope it shows up on your screens --
20 some maps and other information for your viewing.

21 (Thereupon an overhead presentation was
22 Presented as follows.)

23 MS. KARL: Good afternoon, Madam Chair and
24 members of the Board.

25 As Howard said, this item considers a new full

1 compostable material handling permit for Jepson Prairie
2 Organics in Solano County. The facility is owned and
3 operated by Jepson Prairie Organics Composting, a
4 subsidiary of NorCal Waste Services, Inc.

5 This proposed permit includes the following
6 changes: To increase the tonnage from 300 tons per day to
7 a 600-ton-per-day average over seven days and a 750 day --
8 750-ton-per-day peak. It also increases the acreage from
9 15 to 54 acres. And this is within the permitted boundary
10 of the Hay Road landfill. And increases the hours to 24
11 hours for facility operations.

12 I handed out a new permit when I came in. And
13 the change on that is on Section 17, LEA Conditions B4.
14 And the LEA has changed the language regarding their
15 reliance on the Yolo-Solano Air Quality Management
16 District's permit, which is still pending.

17 I also included this map that was not part of the
18 original package.

19 I inspected the facility on Friday, and I found
20 the operator drying sludge on a portion of the proposed
21 composting boundary. And the LEA has assured us this will
22 no longer occur once the property is made part of the
23 composting facility with the concurrence of this permit.

24 All other conditions were found in compliance.

25 Therefore, staff recommends concurrence in Permit

1 No. 48-AA-0083 and adopt Resolution 2005-188.

2 The operator and the LEA are both represented
3 today.

4 CHAIRPERSON MULÉ: Thank you, Christy.

5 Any questions?

6 COMMITTEE MEMBER MARIN: The drying of the
7 sludge, is that a violation?

8 MS. KARL: No, it's allowed as part of the
9 operations of the landfill. And this is a designated area
10 for that drying of the sludge. And now it's indicated on
11 the map just to the left of the pink line in the upper
12 right corner, that pink line, is where it was occurring.

13 So that activity either needs to cease or that
14 acreage needs to be removed from the permit.

15 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

16 Let me try to be real clear about this. The area
17 that Christy observed on Friday is currently within the
18 landfill boundary. And this is an approved activity for
19 the landfill. They dry sludge in a pond. They take it
20 out and then they land apply it. They disk it into soil,
21 let it sit for a period of time. Then they harvest that
22 soil and use it for landfill purposes.

23 That area where they were on Friday, were
24 actually carrying out that activity will be part of the
25 compost permit. And so that landfill-related activity

1 would not be allowed to occur within the permitted
2 boundary of the compost site. So that would need to cease
3 that activity, as it would not be authorized by the
4 compost permit as submitted by the LEA.

5 CHAIRPERSON MULÉ: Okay. And so -- and
6 everyone's in agreement on that?

7 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
8 Our understanding is that the LEA if they observe
9 this activity occurring after they issue the permit would
10 note a violation of the permit and require the facility
11 operator to comply with that.

12 I understand that the operator has a different
13 approach to this. So you may want to ask about that.

14 CHAIRPERSON MULÉ: Okay. Well, then maybe we
15 should call up the operator to comment on this.

16 MS. KARL: Paul Sherman and Don Gambelin are both
17 present.

18 CHAIRPERSON MULÉ: Thanks, Christy.

19 DEPUTY DIRECTOR LEVENSON: While the operator's
20 coming up, I also would like you to call on the LEA so
21 they can clarify, you know, their intention in this.

22 CHAIRPERSON MULÉ: Yes, we need to have the LEA
23 up here as well.

24 Thank you.

25 MR. GAMBELIN: Donald Gambelin, NorCal Waste

1 Systems on behalf of Hay Road landfill and Jepson Prairie
2 Organics.

3 We do operate a land treatment unit, fully
4 permitted by our waste discharge requirements and other
5 air conditions for the recycling of sludge. We use it in
6 our landfill operations. And that land treatment unit
7 occurs where it's permitted to occur, but not always in
8 the same location on an annual basis.

9 Our present location is correctly described, even
10 though it's not on that -- it's not on that drawing
11 because that reflects our compost operations and
12 boundaries. But that land treatment unit is operated in a
13 location, and it will be in that location for about a two
14 to three year period now, at which time afterwards it will
15 be moved to another location.

16 If you know about land treatment units, it has to
17 do with loading of the soil to a certain amount where you
18 cannot cause underlying contamination of water resources.
19 And so periodically you have to move that land treatment
20 unit to a different location to allow the soil to lie
21 unused for a period of time. So that's what we've been
22 doing. And we've been doing sludge recycling for a good
23 five or six years out there now.

24 So this issue of whether or not you can have a
25 land treatment unit with a compost facility boundary

1 overlying that is a new one to us. It came to our
2 attention on Friday. Again, this is after about a three
3 and a half year EIR process, with everybody aware of the
4 activities out there with our sludge recycling.

5 So to just shout down that land treatment unit
6 and move it is not something that can be accomplished this
7 year and probably can't be accomplished next year, because
8 we've been planning our land treatment unit activities for
9 some time.

10 However, what we do commit to is that obviously
11 if we're operating a land treatment unit, we're not going
12 to be composting in that area; and vice versa, if we're
13 composting in an area, we're not going to be operating a
14 land treatment unit.

15 So it's not dissimilar to the permit layers that
16 we have out there presently. As Christy Karl noted, the
17 compost bound -- the compost facility itself is actually
18 within the landfill permit boundary. And so, you know, to
19 say that now a land treatment unit can't be operated with
20 just a permit overlay by a compost facility boundary is
21 something new to us. I don't think it's one again, as
22 I've said, that we can just simply pick up and move. And
23 our intent is that as we no longer need this location for
24 a land treatment unit, we will use it for the storage of
25 finished compost product, as has always been the intent

1 with this new permit for Jepson Prairie Organics.

2 So I hope that explains --

3 COMMITTEE MEMBER MARIN: Let me ask staff. Is
4 their situation so unique as to there is no other facility
5 that a landfill has a sludge treatment facility or -- what
6 do you call it? -- drying out that also has a composting
7 facility? This is the one and only in the entire state
8 and, therefore --

9 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
10 There certainly are landfills that host compost
11 facilities. And so they're not alone in that.

12 I think the issue here is what the governing
13 permit allows or doesn't allow. Jepson Prairie is a
14 stand-alone permit. It's for composting, handling
15 compostable material. The permit does not address land
16 spreading of sludge. And so, therefore, it would not
17 allow land filling of sludge, which is part of the
18 landfill operations.

19 The landfill permit can certainly continue to
20 address spreading of sludge within the landfill permitted
21 boundary. When this permit is issued, that part of the
22 landfill will be removed from the oversight of that
23 landfill permit and will be solely under the compost
24 permit, which does not address the land spreading issue.

25 COMMITTEE MEMBER MARIN: But I thought he said he

1 couldn't do it for the first year or two years. So --

2 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

3 Well, operationally he's saying that he cannot

4 cease doing that activity in that area, operationally.

5 Permit-wise he wouldn't be allowed to carry on that

6 activity under the compost permit.

7 The operator of the compost site and the landfill

8 made a choice to get two separate permits. And now this

9 activity is overlapping them.

10 Here's an example of why it's an issue. Say

11 there's an odor complaint and it focuses in that area. Is

12 it the land-applied sludge that's creating the odor or is

13 it some material that's being stored adjacent or on it?

14 It would -- you know, what permit do you look at? It's a

15 problem right now.

16 I think the LEA will -- also can indicate how

17 they approach it in some issues that they have.

18 COMMITTEE MEMBER MARIN: Okay. So what is it

19 that I'm hearing you say? Because if we grant you this

20 permit, you are not going to fulfill it.

21 MR. GAMBELIN: No, we'll fulfill -- we will

22 fulfill it. We will be permitted for a certain amount of

23 acres to do composting operations --

24 COMMITTEE MEMBER MARIN: But I thought you just

25 said that you're not going to do it for the first year or

1 the second year. Did I hear incorrectly?

2 MR. GAMBELIN: I will operate -- the LTU will
3 continue to be operated in its present location for at
4 least a two to three year period. That's what the
5 operators told me.

6 COMMITTEE MEMBER MARIN: Okay. What does that
7 mean?

8 MR. GAMBELIN: What that means -- what Mark is
9 saying is that LTU presently where we're recycling sludge
10 is located within where we've drawn the boundary of the
11 compostable facility permit boundary.

12 Okay. Now, but I ask, how is this any different?
13 My entire composting facility sits within my landfill
14 footprint and permitted boundary. So all I've got is a
15 layer of different designations. What I have is -- now
16 with the Jepson Prairie compost permit being adopted, I
17 will have a certain amount of acreage where I can conduct
18 composting activities. It doesn't necessarily -- it
19 doesn't say I'm required to conduct composting activities
20 in all of that acreage. It says I can.

21 So when my LTU moves in two to three years, then
22 I've got -- then I open up that acreage for composting.
23 I'm required by law to look out five years for a solid
24 waste facility permit. And I see within this five-year
25 period I'm going to be needing that area for composting

1 activities. And this is not actually active composting.
2 It's compost product storage. So I'm going to need that
3 area for compost storage when I move my LTU. I'm required
4 to foresee that for five years. And what I'm being told
5 now is that you can't look that far ahead. You can only
6 piecemeal it and look a couple years out. We're going to
7 cut out this section for the time being. Or worse, if we
8 give you this overall area for Jepson Prairie Organics to
9 composting -- to operate in, if you continue to operate
10 your LTU, which the LEA knows we can't move for two to
11 three years, then you're going to be in continual
12 violation of your composting permit.

13 I'm not saying that my LTU has anything to do
14 with my compost permit. In fact, it has nothing to do
15 with it. The Waste Board doesn't even regulate a land
16 treatment unit. This is a Water Board issue that we have
17 this permit for. And so to say that now I'm all of a
18 sudden conducting an illegal activity in a permitted
19 composting area, that's brand new to me. That's something
20 we should have addressed about three years ago when we
21 started this permit process, don't you think?

22 COMMITTEE MEMBER MARIN: I don't know.

23 MR. GAMBELIN: I mean we've created an issue here
24 I don't know what we're trying to solve here.

25 COMMITTEE MEMBER MARIN: I don't know what to

1 think, because it seems to me that we cannot give you a
2 permit for something that you're not going to fulfill.

3 MR. GAMBELIN: No, I'm going to fulfill it
4 completely. But what I'm allowed to do is I have a
5 different operation --

6 COMMITTEE MEMBER MARIN: I am now totally
7 confused.

8 MR. GAMBELIN: Okay. I have a different
9 operation within that -- let me put it this way:

10 CHAIRPERSON MULÉ: With multiple permits --

11 MR. GAMBELIN: Years ago I was given a landfill
12 permit. I'm not going to be landfilling within this
13 compost area for 10, 20, 30 years. But I still have that
14 landfill permit. I haven't invalidated that landfill
15 permit at all.

16 If I now have a compost permit within the
17 boundary of that landfill and I'm composting now, I do all
18 my composting activities, including storage -- and storage
19 is a new -- is an area that has to be permitted because of
20 the new compost regs that came about a couple years back,
21 so this is brand new. Now I have to have that within my
22 compost permit boundary, that permit overlays my landfill
23 boundary.

24 COMMITTEE MEMBER MARIN: Well, let me just --

25 MR. GAMBELIN: If I'm --

1 COMMITTEE MEMBER MARIN: Let me just give you an
2 example, because it doesn't make sense. It's like if you
3 have a permit to serve alcohol, you have a permit to serve
4 alcohol. But within that, kids come in that are under 18
5 years -- or under 21. Well, it doesn't deny the fact that
6 you have a permit, but you're not going to serve alcohol
7 to children. If I can --

8 MR. GAMBELIN: I guess what I don't understand is
9 how I'm in violation of my compost permit if I'm not
10 utilizing that entire area for composting activities. I
11 need to keep some of it for a two to three year period for
12 my land treatment unit. And then when I do move the land
13 treatment unit, I now have that acreage to operate my
14 composting activities in full compliance with the
15 requirements of Title 14. I don't understand how that's
16 an issue.

17 COMMITTEE MEMBER MARIN: Are we giving you a
18 permit for a specific place for your composting facility?

19 MR. GAMBELIN: You've drawn a specific boundary.
20 Again, in the EIR everything else --

21 COMMITTEE MEMBER MARIN: So that's the children
22 that are under 21.

23 MR. GAMBELIN: I guess I'm not following you on
24 that example. I apologize. But, you know, my --

25 COMMITTEE MEMBER MARIN: Well, I think everybody

1 else understands what I'm saying.

2 MR. GAMBELIN: You know, this is the same issue
3 where if I'm not landfilling in the compost area for 20
4 years, how can I be -- you know, I'm not in violation of
5 my landfill permit. So if I'm not composting in the land
6 treatment area for a couple of years, how can I be in
7 violation of the compost permit?

8 CHAIRPERSON MULÉ: Maybe we should have the LEA
9 come up and --

10 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

11 And that's reverse of the issue. It's not, you
12 know, preventing them from composting. Once the permit's
13 issued, they can compost there.

14 The permit for the compost doesn't say that they
15 can land apply. It's not covered. It's not in there. It
16 doesn't speak to that.

17 MR. GAMBELIN: Nor does my landfill permit say I
18 can compost.

19 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

20 I agree, the LEA has a take on this that would be
21 helpful.

22 CHAIRPERSON MULÉ: Yeah, that's what I was
23 thinking. Let's hear from the LEA on this.

24 Good afternoon. And please state your name for
25 the record.

1 MR. SERRANO: Good afternoon. Ricardo Serrano,
2 Solano County LEA.

3 If we had a full permit for the whole facility,
4 this wouldn't be an issue. However, we suggested the
5 operator to go to a single permit. They have chosen to
6 separate in a composting permit versus a landfill permit.

7 They came to us through a lengthy process,
8 through an EIR. We had two Planning Commission meetings
9 and Board of Supervisor meetings. The EIR was certified.

10 And we were told as part of -- part of the
11 description to use a certain portion of the landfill
12 footprint to be allocated for the composting facility.
13 And, therefore, the footprint, which is going to be
14 incorporated within 54 acres of this composting facility.
15 The whole footprint is 640 acres.

16 So there is room, you know, to do this -- the
17 drying of bio-soil is in an LTU. I've been inspecting
18 this place for the last five, six years. And the drying
19 of bio-soil have always occurred east to D9, which is the
20 shaded portion on the top.

21 Now, that the operator wants 54 acres, you know,
22 to do the composting, I mean we're in agreement that
23 composting facilities are going to be regulated under the
24 composting footprint. And let the landfill activities be
25 regulated on the other side of the footprint. So we don't

1 see this as an issue. But as far as the drying of
2 bio-soil, is it can be accommodated in other areas of the
3 640 acres within the landfill footprint.

4 CHAIRPERSON MULÉ: Thank you, Ricardo.

5 Okay. I'm just -- I'm trying to understand this
6 too.

7 So if the operator -- it sounds like he has
8 several -- the operator has several permits, correct?

9 Is that correct?

10 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

11 Currently the existing compost activity is under
12 a standardized permit, which needs to be changed to a
13 full. And then there's the landfill permit. Two
14 stand-alone permits.

15 CHAIRPERSON MULÉ: Right. So then the new
16 permit, the proposed permit, would then supercede the two
17 existing permits?

18 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

19 No, the -- the permit in front of you today will
20 supercede the standardized permit for compost. The
21 landfill permit will need to be adjusted and revised to
22 reflect the fact that there is now a larger compost site
23 on it. And that's yet to occur. But it will occur soon,
24 I believe. The LEA could tell us what the timing is on
25 that.

1 CHAIRPERSON MULÉ: So once that compost site is
2 permitted, then you're saying then the previous activity
3 will no longer be allowed, the sludge --

4 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
5 Only the activities that are allowed under that
6 compost permit would be allowed.

7 CHAIRPERSON MULÉ: Within that site?

8
9 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
10 Within that permitted boundary.

11 COMMITTEE MEMBER MARIN: Can you change the
12 boundary?

13 MR. GAMBELIN: If I follow that logic, then I'm
14 no longer allowed to develop my landfill within that 54
15 acres also; is that correct?

16 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
17 I'm not sure what Don means by develop the
18 landfill.

19 MR. GAMBELIN: Build a landfill. Can I build the
20 landfill in that compost boundary when I need to, since
21 that underlies that entire area also?

22 PERMITTING & INSPECTION BRANCH MANAGER de BIE:
23 I'm not sure what he means by "build the
24 landfill".

25 MR. GAMBELIN: All right. Place waste on the

1 ground, Mark.

2 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

3 Not under a compost permit. He would not be
4 allowed to do that.

5 MR. GAMBELIN: So then essentially what happens
6 is by having a compost facility permit which overlays a
7 landfill footprint boundary, which has always been
8 accommodated by Board staff, you're now saying you're
9 changing your mind on that, and I'm essentially losing --

10 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

11 We're completely consistent on this.

12 MR. GAMBELIN: -- I'm essentially losing 54 acres
13 of my landfill footprint boundary?

14 PERMITTING & INSPECTION BRANCH MANAGER de BIE: I
15 believe the LEA explained that to you over and over when
16 they had the choice of one permit or two.

17 MR. GAMBELIN: Actually it hasn't been.

18 If that's the case, that's fine. I guess I'm
19 saying to me that's inconsistent, because I have a number
20 of landfills, I have a number of transfer stations, and
21 when we need to overlie permits we've always been able to
22 do that. So if this is a new direction, then certainly we
23 need to --

24 COMMITTEE MEMBER MARIN: Can I just ask: Why do
25 you choose two permits versus just one? What was the

1 rationale?

2 MR. GAMBELIN: Why do we choose -- do you know
3 how difficult it is to update a permit for a composting
4 facility and open up the whole thing for a landfilling and
5 the whole world is 640 acres if we're just focusing on a
6 change for a compost facility? That's why we do it.

7 And we've always -- we've always made it a
8 practice of overlaying permits, and we've always been
9 accommodated in doing that. In fact, there's got to be an
10 LEA advisor or something that accommodates that. And now
11 all of a sudden we're saying, no, we're going to put a
12 stop to that practice, and we're going to change that
13 right here and now. That doesn't seem quite right. If
14 that is the case, that's fine. We'll have to withdraw the
15 permit and we'll have to completely change our approach to
16 this thing. Unfortunately, my standardized composting
17 permit expires this July 13th of this year because it's
18 been more -- that will be the two-year period where I have
19 to get a new composting permit.

20 What do I do then?

21 PERMITTING & INSPECTION BRANCH MANAGER de BIE: I
22 don't think this is --

23 MR. GAMBELIN: I'll stop taking 300 tons a day or
24 organics for recycling?

25 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

1 I don't think this is a change. This has been
2 our approach.

3 MR. GAMBELIN: I don't know. I've got several
4 sites where I've got a landfill and compost permit that
5 sits within that same permit boundary.

6 COMMITTEE MEMBER MARIN: Okay. Well, I don't
7 know whether you're not -- either you're not helping
8 yourself or you're not helping me. I want to help. But I
9 want to be able to do it, and I want to have your
10 commitment that if we give you this permit, that you're
11 going to stop the drying of the sludge in this particular
12 area.

13 MR. GAMBELIN: In two to three 3 years my LTU
14 will be moved.

15 COMMITTEE MEMBER MARIN: Well, we're going to
16 give you the permit in two or three years?

17 MR. GAMBELIN: That's fine -- you require me --
18 the regulations require me to look five years out. And
19 what I'm saying is this entire area will be used for
20 compost storage when the LTU is moved. And I'm saying
21 operationally the LTU will not be moving.

22 Contrary to the LEA statements that says I can
23 recycle sludge and dry it anywhere on this site, I'm very
24 restricted on where my sludge recycling can happen by the
25 Water Board. And it's in an area now that I have to

1 operate, and I will operate that for two to three years;
2 at which time when I move, I will open that area up for
3 storage of my compost product. Just like when I move --
4 when I have to landfill within this compost footprint in
5 the future, I will stop composting and I will switch over
6 to landfiling, because my landfill permit allows me to do
7 that.

8 It's always been this arrangement. Why this is
9 suddenly different in front of this committee is beyond me
10 at this point.

11 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

12 Currently the description that the operator
13 submitted to the LEA does not describe the continued use
14 of this area for the permit. So to say that it's
15 continued use and will cease in time certain is news to
16 us. We've just heard that today.

17 MR. GAMBELIN: At the request of Board staff
18 today, Paul Sherman in my office faxed over an amended
19 page to the RCSI which specifically states that the LTU is
20 in this area for a period of time, that composting
21 activities won't take place in the LTU while it's active.
22 And that was at the specific request of Board staff to
23 accommodate this issue. So that's been taken care of.

24 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

25 I'm not sure if it was per a request from Board

1 staff. We brought it to the attention of the operator of
2 the result of Christy's inspection. And my understanding
3 is their response was to attempt to clarify that activity
4 in the RDSI. However, we don't receive things directly
5 from the operator. It needs to go through the LEA, and
6 that hasn't been submitted to us. So today the permit in
7 front of you does not include that description.

8 COMMITTEE MEMBER MARIN: I'm not prepared to go
9 forward with this the way it is right now. I have a
10 serious concern. And I'm wondering whether we can -- we
11 can take some time. And maybe you need to rethink about
12 whether you want to redraw your boundaries. Maybe you
13 don't, and that is certainly your choice. But I couldn't
14 go forward with this the way it is right now. And I
15 cannot give you a permit knowing full well that you do not
16 intend to abide by it.

17 MR. GAMBELIN: No, I intend to abide by my
18 permit. What they are saying is they've now changed the
19 rules of what permit compliance entails.

20 COMMITTEE MEMBER MARIN: I'm not hearing that
21 from staff.

22 MR. GAMBELIN: Well, that's the way we see it.

23 COMMITTEE MEMBER MARIN: Well, certainly that is
24 your prerogative to look at it that way. I want to help,
25 but I don't know that I can help right now.

1 CHAIRPERSON MULÉ: I know. Yeah, this -- Howard,
2 is there any way -- and, again, I don't know what it would
3 take -- if you would change the map that would exclude
4 that area for the two years?

5 DEPUTY DIRECTOR LEVENSON: I don't want to make
6 any commitment to changing a map that's been submitted by
7 the LEA. But I can commit to --

8 CHAIRPERSON MULÉ: Well, LEA, I guess I'm
9 directing that question to you then.

10 Is there some way that you can work this out with
11 your operator so we can get some resolution to this and
12 whereby you change the boundaries of the map so that your
13 operator can continue to do the land application for the
14 sludge for the two years; and, again, then phase it out so
15 that he can then later use that property for the
16 composting operation?

17 MR. SERRANO: I think -- your suggestion is well
18 taken. And I need to pass on the information to my
19 management in consultation to the Waste Board. I think it
20 can be accommodated. You know, just to redraw the
21 boundaries of the composting and estimate the acreage and
22 call it as such. It's possible.

23 CHAIRPERSON MULÉ: Now, is that something --

24 COMMITTEE MEMBER MARIN: Now, the operator may
25 not want to do that.

1 MR. GAMBELIN: That sounds fine. It accomplishes
2 the same thing that we're asking for, and that's just
3 recognition we operate the LTU for a couple more years.
4 And then it automatically converts over to a compost
5 storage area.

6 COMMITTEE MEMBER MARIN: But then everything is
7 spelled out clearly and precisely and you will continue to
8 do your --

9 MR. GAMBELIN: I have no problem doing that. As
10 you've suggested through several permits today, it's
11 better off if it's in writing.

12 So when this is brought to our attention, again,
13 brand new on late Friday after three years of a process,
14 we're just fine accommodating it.

15 CHAIRPERSON MULÉ: Howard.

16 DEPUTY DIRECTOR LEVENSON: Madam Chair, you know,
17 there's a lot of information that's been passed back and
18 forth Friday and today. Things are in a state of flux
19 obviously.

20 CHAIRPERSON MULÉ: Right.

21 DEPUTY DIRECTOR LEVENSON: We will, you know,
22 work with the LEA and the operator over the next week to
23 see what can be accomplished. But I don't want to
24 guaranty that this is going to be finalized to everyone's
25 mutual satisfaction. And, again, there is an option that

1 if we are still in flux and still need to continue working
2 on this, that the operator could waive the time frame and
3 allow us just additional time, you know, till next month,
4 say, in order to work this out. I'm not proposing that,
5 but just want to put that on the table.

6 MR. GAMBELIN: If I can comment on that.

7 CHAIRPERSON MULÉ: Yes.

8 MR. GAMBELIN: Unfortunately that puts us in a
9 position where I don't know if I'm in violation of a
10 statute or not -- or a regulation or not, because that
11 regulation says two years after the notice that we need to
12 update to a full solid waste facility permit. And that
13 happens on July 13th. So do I need to shut down? Do I
14 get a cease and desist? Do I get violations? What
15 happens?

16 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

17 Don's correct in that, you know, the way the
18 compost regs were grandfathered is once they were noticed,
19 they had a two-year process to get the appropriate permit.
20 And so I'm not sure of the date, but it is some time this
21 month that that deadline comes in. And so that there was
22 some effort made and continues to be effort made to get
23 this permit forward. You know, board staff's been working
24 with the LEA and operator on, as Christy indicated,
25 revisions to permit language as of last week. So we can

1 continue that effort.

2 COMMITTEE MEMBER MARIN: Let me ask a legal
3 question.

4 Could we make a finding that this action is
5 taken -- or we're extending -- due to extenuating
6 circumstances, we will be extending our ability to rule
7 until the next Board meeting? Is there anything that we
8 could --

9 CHIEF COUNSEL CARTER: The Board doesn't have
10 that authority to make such an extension.

11 COMMITTEE MEMBER MARIN: Okay.

12 COMMITTEE MEMBER WASHINGTON: It sounds like to
13 me if the LEA is saying that he can go back and -- it's
14 almost like the previous permit we just passed. We're
15 going to have to just fix this thing and we have to get
16 all these folks together by the Board meeting and get it
17 done. I mean the LEA didn't say that he couldn't do it.
18 He said he thinks he can, but he just has to go to
19 management and say, "Hey, we want to redraw the map." And
20 let's just do it. Because it seems like we're in the same
21 situation as the previous permit.

22 CHAIRPERSON MULÉ: What's today's date?

23 MR. SERRANO: The 11th.

24 CHAIRPERSON MULÉ: Today's July 11th.

25 When's our Board meeting?

1 MR. GAMBELIN: The 19th.

2 CHAIRPERSON MULÉ: The 19th.

3 MR. GAMBELIN: Yeah, see, so I've got a week or
4 so where we're kind of hanging out there not really
5 knowing if we're in violation or not. And I could be
6 subject to cease and desist.

7 MR. GAMBELIN.

8 CHAIRPERSON MULÉ: Right.

9 MR. GAMBELIN: And I don't have any commitment
10 from Board staff or from LEA that they won't issue that.
11 That's a little difficult to operate that way.

12 COMMITTEE MEMBER WASHINGTON: Yeah.

13 The LEA's coming.

14 MR. SERRANO: As far as a commitment from the
15 LEA. In consultation to the Waste Board, we can reach a
16 compromise in redrawing the map and to allocate what's
17 going to be testing for true composting operations. And
18 segregate was -- can be viewed within 1, 2, 3 or 4 or 5
19 years for landfill activities. I think that's an easy
20 fix.

21 CHAIRPERSON MULÉ: And do you think -- excuse me,
22 Ricardo. You think you can -- and staff, you can have
23 that done by next week?

24 PERMITTING & INSPECTION BRANCH MANAGER de BIE:

25 Yes, we have some models that accomplishes that

1 same thing that, you know, allows one permit to indicate,
2 you know, the relationship between another unrelated -- or
3 a separately permitted activity and the timing and
4 milestones, whatever, that it changes. We have a number
5 of permits that do that. So we could utilize that kind of
6 model in this situation and see if it works.

7 COMMITTEE MEMBER WASHINGTON: And it does sound
8 like there's not going to be anybody running out there
9 trying to violate him or -- while we're in the process of
10 getting this done, are you?

11 MR. SERRANO: Actually we have been in good terms
12 with the operator. We have working together for the last
13 6, 7, 8 years. We have a good working relationship with
14 them. And so --

15 COMMITTEE MEMBER WASHINGTON: Keep that good
16 relationship.

17 MR. SERRANO: Oh, thanks.

18 COMMITTEE MEMBER MARIN: Okay. And I have one
19 more question.

20 CHAIRPERSON MULÉ: Yes.

21 COMMITTEE MEMBER MARIN: I actually did not visit
22 the site. I did visit the surrounding area, but not the
23 site itself. I had understood that there were some
24 concerns about some odors. And I will tell you that I can
25 appreciate what people were talking about.

1 What are we doing regarding that?

2 MR. SERRANO: Yes. Other suggestion of one of
3 the planning Commissioners based on the number of
4 complaints that suddenly have appeared because of the
5 permit process was open. We have implemented a 24-hour
6 toll-free complaint -- odor nuisance complaint response.
7 We have implemented the countywide odor nuisance complaint
8 protocol response. And we have an EH staff on duty 24
9 hours a day, seven days a week.

10 We have a complaint web-based type of system in
11 our county system. And we're going to be advertising
12 through radio and the newspapers of this new toll-free
13 number. And in addition to that, we were directed to form
14 a citizens advisory committee group that's going to
15 monitor the landfilling and composting activities not only
16 of the Jepson Prairie Hay Road landfill, but the other
17 active site that we have. And we're going to have this
18 informal group to be like the watchdog group. It's going
19 to monitor the landfill activities.

20 So we've been pretty proactive from the LEA's
21 portion. I know that the use permit has been -- placed us
22 in a difficult position to issue a permit, a solid waste
23 facility permit. But now we're at a point in which with
24 the agreement of the operator and the consensus and
25 concurrence of the Waste Board, we can have a facility

1 that everybody can be proud of in terms of the composting
2 products that we produce in Solano county.

3 CHAIRPERSON MULÉ: Ricardo, thank you.

4 Is there any way that we can get a copy of the
5 odor nuisance complaint protocol that you've put in place?

6 MR. SERRANO: Yes, I can provide it to Christy or
7 she can give it to you.

8 CHAIRPERSON MULÉ: That would be great. I'd like
9 to see it.

10 Thank you.

11 COMMITTEE MEMBER MARIN: What I thought was good
12 is that you have the ability for regular people to take
13 some of that for free, the compost facility -- the
14 composting. I thought that was good. I didn't take any.
15 I want to make sure. And I don't have to report it.

16 MR. GAMBELIN: Free's free.

17 COMMITTEE MEMBER MARIN: Free's free, I know.
18 Well, you know, I'm probably -- knowing all the
19 regulations we have to follow, I'll probably have to
20 report it. But I did not. That was good. I know that a
21 lot of people do that -- a lot of different landfills do
22 that.

23 But I thought that was really good.

24 MR. GAMBELIN: And if I could just take another
25 minute to let you know something else that's fairly unique

1 about this facility. We're probably the first facility in
2 the state that's going to be subject to emission caps,
3 issued by local air districts. And what that essentially
4 says is that even though we have a permit now -- or
5 hopefully we'll have a permit that allows us to go from
6 300 to 600 ton a day on average, what the planning
7 commission and the board of supervisors upheld on an
8 appeal at the local level was that we cannot exceed our
9 emissions rate from that which is generated at the
10 300-ton-per-day limit.

11 So what that is saying -- and this has to do
12 volatile organic compounds, including in that odorous
13 compounds. So we're essentially capped at a certain
14 emission rate right now. And even though we're going to
15 be doubling our throughput, we're going to be capped at
16 this amount. So we've got to implement new technologies
17 and controls to achieve this.

18 We're probably the first one in the state that's
19 subject to something like that. A couple years back the
20 South Coast Air Quality Management District attempted to
21 implement a rule that the Board came out in strong
22 opposition to, saying its effect on the composting
23 industry. Well, it's now in northern California and we're
24 subject to it. So we'll certainly be an example of how to
25 achieve that from now into the future.

1 So I just wanted to let you know that that's an
2 implication of this new permit.

3 CHAIRPERSON MULÉ: Right. Thank you.

4 Thank you, all.

5 So this will go to the full Board next week.

6 Thank you.

7 Are there any other comments, questions,
8 statements from the audience, from the public.

9 No?

10 With that, the meeting is adjourned. Thank you
11 all.

12 (Thereupon the California Integrated Waste
13 Management Board, Permitting and Enforcement
14 Committee meeting adjourned at 2:50 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said workshop nor in
13 any way interested in the outcome of said workshop.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 22nd day of July, 2005.

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23 JAMES F. PETERS, CSR, RPR
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